



# The Gazette of Meghalaya

PUBLISHED BY AUTHORITY

No. 30

Shillong, Thursday, July 23, 2020

2<sup>nd</sup> Sravana, 1942 (S. E.)

*Separate paging is given on this part in order that it may be filed as a separate compilation.*

## PART-IIA

### GOVERNMENT OF MEGHALAYA

#### NOTIFICATION

The 25<sup>th</sup> June, 2020.

**No.TPT.60/2016/Pt/153.** - In accordance with the provisions of the Motor Vehicles Act, 1988 (Central Act No.59 of 1988) and the Central Motor Vehicles Rules, 1989 and in compliance with the directions of the Hon'ble Supreme Court's Order dated 13<sup>th</sup> May, 2016 in Special Leave to Appeal (C) Nos.11801-11804 of 2005 in Jai Prakash Vrs. National Insurance Company Ltd. and Ors, the Governor of Meghalaya is pleased to notify the "**Motor Accident Claims Tribunal Agreed Procedure, 2020**" as follows:-

**1. Short Title, Commencement, Scope of the Procedure:**

- (a) This Procedure may be called "**Motor Accident Claims Tribunal Agreed Procedure**" 2020.
- (b) It shall come into force from the date of publication in the Official Gazette.
- (c) It shall be applicable for all claims filed before the Claims Tribunals in the State of Meghalaya.

**2. Definitions:-** (1) In this Procedure, unless the context otherwise requires:-

- (a) "Act" means the Motor Vehicles Act, 1988 (Central Act No.59 of 1988);
- (b) "Accident" means an accident involving use of motor vehicle at a public place;
- (c) "Claims Tribunal" means a Motor Accidents Claims Tribunal constituted under Section 165 of the Act;
- (d) "Clause" shall refer to the clauses of this "Agreed Procedure";
- (e) "Gazette" means Gazette of Meghalaya.
- (f) "Insurance Company" means the Insurance Company with which a motor vehicle involved in an accident was insured on the date of the accident;
- (g) "Investigating Police Officer" means the Office-in-charge of a Police Station within whose jurisdiction an accident involving a motor vehicle occurs, and includes any Police Officer subordinate to him entrusted with the investigation of the case;
- (h) "Legal representative" shall have the same meaning assigned to it under Clause (11) of Section 2 of the Code of Civil Procedure, 1908 (Act No.5 of 1908).

- (2) All other words and expressions used herein but not defined in the Motor Vehicle Act, 1988 shall have the meanings respectively assigned to them in that Act.

**3. Investigation of road accident cases by the Police:-**

Immediately on receipt of the information of a road accident, the Investigating Officer of Police Station shall inspect the site of accident, take photographs of scene of the accident and the vehicle(s) involved in the accident and prepare a site plan, drawn to scale, as to indicate the layout and width, etc., of the road(s) or place(s), as the case may be, the position of vehicle(s), and person(s) involved, and such other facts as may be relevant. In **injury** cases, the Investigating Officer shall also take the photographs of the injured in the hospital. The Investigating Officer shall conduct spot enquiry by examining the eye-witnesses/bystanders.

**4. Intimation of accident to the Claims Tribunal and Insurance Company within 48 hours:-**

The Investigating Officer shall intimate the accident to the Claims Tribunal within 48 hours of the accident. If the particulars of insurance policy are available, the intimation of the accident shall also be given to the Nodal Officer of the concerned Insurance Company of the offending vehicle. The particulars of the accident shall also be uploaded on the website of Meghalaya Police. The intimation by the Investigating Officer shall be in **FORM-I**.

**5. Documents to be collected by the Investigation Officer:-**

The Investigating Officer of Police Station shall collect the relevant evidence relating to the accident as well as for computation of compensation. The list of documents to be collected by the Investigating Officer are as under:

- (i) First Information Report.
- (ii) Site Plan.
- (iii) Photographs of the scene of accident from all angles.
- (iv) Photographs of all the vehicles involved in the accident from all angles.
- (v) Photographs and specimen signature of the driver(s) of the offending vehicle(s).
- (vi) Photograph and specimen signature of the owner(s) of the offending vehicle(s).
- (vii) Mechanical Inspection Report in terms of Annexure-A.
- (viii) Driving Licence of the driver of the offending vehicle(s).
- (ix) Proof of employment of the driver of offending vehicle(s) such as appointment letter, salary slips, duty register etc., or any other documents to prove of such employment.
- (x) Registration certificate of the offending vehicle(s).
- (xi) In case of transfer of offending vehicle, sale documents, possession letter or any other document relating to transfer, if any.
- (xii) Insurance Policy of the offending vehicle(s).
- (xiii) Permit (for commercial vehicle).
- (xiv) Fitness Certificate (for commercial vehicle).
- (xv) Report under Section 173 Cr.P.C.
- (xvi) Statements of the witnesses recorded by the police.
- (xvii) Scientific report, if the driver(s) of the offending vehicle(s) was under the influence of alcohol/drugs,
- (xviii) **In case of Death:**
  - (a) Post Mortem Report.
  - (b) Death Certificate.
  - (c) Photograph and proof of the identity of the deceased .

(d) Proof of age of the deceased which may be in form of:

- Birth Certificate
- School Certificate
- Certificate from village headman (in case of illiterate).

(e) Proof of Occupation and Income of the deceased which may be in form of:

- Pay slip/salary certificate for salaried employees.
- Bank statements of the last six months.
- Income Tax Returns (if applicable).
- Balance Sheets.

(f) Proof of the legal representatives of the deceased

- Names
- Age
- Address
- Relationship

(g) Aadhar Card, PAN Card, Photographs and specimen signatures attested by the bank.

(h) Bank Account details along with its IFSC Code of the legal representatives of the deceased near the place of their permanent residence with name and address of the bank.

(i) Medical treatment record, medical bills and other expenditure.

(j) Any other relevant document(s)

**(xix) In case of Injury:**

(a) Medico Legal Case Report.

(b) Multi angle photographs of the injured.

(c) Aadhar card, PAN Card, Photographs and specimen signatures the injured attested by the bank.

(d) Bank Account details along with its IFSC Code of the injured near the place of his/her permanent residence with name and address of the bank.

(e) Proof of age of the injured which may be in form of:

- Birth Certificate
- School Certificate
- Certificate from village headman (in case of illiterate).

(f) Proof of Occupation and Income of the injured at the time of the accident which may be in form of:

- Pay slip/salary certificate for salaried employees.
- Bank statements of the last six months.
- Income Tax Returns (if applicable).
- Balance Sheets.

(g) Medical treatment record, medical bills and other expenditure. In case of continuous medical treatment, the SHO/IO shall also record the details so that the claimant may furnish documents before the Claims Tribunal.

(h) Disability Certificate.

- (i) Proof of absence from work where loss of income on account of injury is being claimed, which may be in form of:
  - Certificate from the employer.
  - Extracts from the attendance register.
- (j) Proof of reimbursement of medical expenses by employer or under a Mediclaim policy, if any.
- (k) Any other relevant documents(s).

**6. Verification of the documents by the Investigating Officer:-**

The Investigating Officer shall verify the authenticity of the documents mentioned under Para 5 by obtaining confirmation in writing from the office or authority or person purporting to have issued the same or by such further investigation or verification as may be deemed necessary for arriving at a conclusion regarding the authenticity of the documents in question, including but not limited to verifying the license of the driver, permit and fitness of the offending vehicle(s), where applicable, from the registering authority.

**7. Duty of the registration authority to verify the documents within 15 days of the application:**

The Registration authority shall verify the registration certificate, driving license, fitness and permit in respect of the offending vehicle(s) within 15 days of the application being made by the Investigating Officer.

**8. Duty of the hospital to issue Medical Legal Case (MLC) and Post-mortem Report within 15 days of the accident**

The concerned hospital shall issue the Medical Legal Case Report and Post-Mortem Report to the Investigating Officer within 15 days of the accident.

**9. In case of un-insured vehicle, driver and owner of the offending vehicle to be prosecuted under Section 196 of Motor Vehicles Act, 1988**

In case of un-insured offending vehicle, the Investigating Officer shall prosecute the person(s) liable for violation under Section 196 of the Motor Vehicles Act, including the driver and the person who caused or allowed the un-insured vehicle to be driven.

**10. In case of fake driving licence, the driver and other persons involved .to be prosecuted for holding a fake driving licence**

If the driving licence of the driver is found to be fake, the Investigating Officer shall prosecute the driver for holding a fake driving licence and/or persons involved in forging a fake driving licence.

**11. Un-insured vehicle not to be released to the owner**

If the offending vehicle is not covered by the policy of insurance against third party risks or the driver was not holding a valid driving licence or if the registered owner fails to furnish a copy of the insurance policy or the driving licence of the driver, the vehicle involved in the accident resulting in death or bodily injury or damage to property shall not be released, unless and until the registered owner furnishes sufficient security to the satisfaction of the Court to pay compensation that may be awarded in a claim case arising out of such accident. On expiry of three months of the vehicle being taken in possession by the Investigating Officer, such vehicle shall be sold off in public auction by the Magistrate having jurisdiction over the area where accident occurred and proceeds thereof shall be deposited with the concerned Claims Tribunal within 15 days for the purpose of satisfying the compensation that may have been awarded, or may be awarded in a claim case arising out of such accident.

**12. Duty of the police to complete the investigation of the criminal case and file the charge sheet (Report under Section 173 Cr.P.C.) before the Magistrate and to file Detailed Accident Report along with copy of the chargesheet before the Claims Tribunal within 30 days**

The Investigating Officer shall complete the collection of the aforesaid documents and its verification as well as investigation of the criminal case within 30 days of the accident. The Investigating Officer shall file the report under Section 173 Cr.P.C. before the concerned Magistrate and Detailed Accidental Report (DAR) before the Claims Tribunal within 30 days of the accident. The Detailed Accident Report shall be properly indexed and page numbered at the time of filing with the Claims Tribunal. The Detailed Accident Report shall be accompanied with the requisite documents mentioned in Para 5 above. The Detailed Accident Report shall be in **FORM-II**.

**13. Copy of Detailed Accident Report to be furnished to claimant(s), owner/driver of the offending vehicle(s), Insurance Company and Delhi State Legal Services Authority.**

The Investigating Officer shall furnish the copy of the Detailed Accident Report to victim(s)/claimant(s) of the accident, owner/driver of the offending vehicle and the Nodal Officer of the Insurance Company'. Copy of the Detailed Accident Report sent to the Insurance Company and others shall be properly paginated and shall be accompanied by the index.

The Investigating Officer of the Police shall also furnish a copy of Detailed Accident Report (DAR) along with complete documents to Secretary, Meghalaya State Legal Services Authority, Shillong. The Meghalaya State Legal Services Authority shall examine each case and assist the Claims Tribunal in determination of the just compensation payable to the claimant(s) in accordance with law.

**14. Extension of time to file Detailed Accident Report and Report under Section 173. Cr.P.C.**

Where the Investigating Officer is unable to complete the investigation of the case within 30 days for reasons beyond his control, such as cases of hit and run accidents; cases where the parties reside outside the jurisdiction of the Court; where the driving licence is issued outside the jurisdiction of the Court, or where the victim(s) has suffered grievous injuries and is undergoing continuous treatment, the Investigating Officer shall approach the Claims Tribunal for extension of time to file Detailed Accident Report/Report under Section 173 Cr.P.C. whereupon the Claims Tribunal shall extend the time as it considers appropriate in the facts and circumstances of each case.

**15. Investigating Officer to seek necessary directions from the Claims Tribunal**

In the event of failure of the driver(s), owner(s), Insurance Company and/or claimant(s) to disclose any relevant information and documents necessary to complete the Detailed Accident Report, the Investigating Officer shall seek necessary directions from the Claims Tribunal (reference be made to Part X of **FORM-II**) whereupon the Claims Tribunal shall, in appropriate cases, direct the parties in default to disclose the relevant information on an affidavit along with the original documents within 15 days.

**16. Examination of Detailed Accident Report by the Claims Tribunal**

The Claims Tribunal shall examine whether the Detailed Accident Report is completed in all respects. If the Detailed Accident Report is complete in all respects, the Claims Tribunal shall fix a date for appearance of the driver(s), owner(s), claimant(s) and the eye witness(es) and the Investigation Officer shall produce them on the date so fixed. The Investigating Officer shall also intimate the date so fixed by the Claims Tribunal to the Nodal Officer of the Insurance Company and the Insurance Company shall enter appearance on the date so fixed. If the Detailed Accident Report is not complete, the Claims Tribunal shall direct the Investigating Officer to complete the same and shall fix a date for the said completion.

**17. Duty of the Investigating Officer to produce the driver(s), owner(s), claimant(s) and eye witness(es) before the Claims Tribunal**

The Investigating Officer shall produce the driver(s), owner(s), claimant(s) and the eye witness(es) before the Claims Tribunal, after the order of the Claims Tribunal that the Detailed Accident Report is complete in all respects. However, if the Investigating Officer is unable to produce the owner(s), driver(s), claimant(s) and eye-witness(es) before the Claims Tribunal on the date fixed by the Claims Tribunal for reasons beyond its control, the Claims Tribunal shall issue notice to them to be served through the Investigating Officer for a date for appearance not later than 30 days. The Investigating Officer shall give an advance notice to the Nodal Officer of the concerned Insurance Company about the date of filing of

the Detailed Accident Report before the Claims Tribunal so that the nominated counsel for the Insurance Company can remain present on the first date of hearing before the Claims Tribunal.

**18. Duties of Police shall be construed to be part of State Police Act**

The duties of police enumerated above shall be constructed as if they are included in the Meghalaya Police Act and any breach thereof shall entail consequences envisaged in that law.

**19. Claims Tribunal shall treat Detailed Accident Report as a claim petition for compensation under Section 166(4) of Motor Vehicles Act, 1988**

The Claims Tribunal shall treat the Detailed Accident Report filed by the Investigating Officer as a claim petition under Section 166 (4) of the Motor Vehicles Act, 1988. However, where the Investigating Officer is unable to produce the claimant(s) on the first date of hearing, the Claims Tribunal shall initially register the Detailed Accident Report as a Miscellaneous Application which shall be registered as a claim petition after the appearance of the claimant(s). Where the claimant(s) have filed a separate claim petition, the Detailed Accident Report shall be tagged along with the claim petition. In cases where the charge sheet has not been filed at the time of filing of the Detailed Accident Report, the Claims Tribunal shall either await the filing of the charge sheet or record the statement of the eye witness(es) to satisfy itself with respect to the negligence before passing the award.

**20. Direction to the claimant(s) to open savings bank account near the place of their residence in a nationalized bank**

The Claims Tribunal shall direct the claimant(s), on the very first date of their appearance, to open a savings bank account in a nationalized bank near the place of their residence and the concerned bank be directed to not issue any cheque book(s) and /or debit card(s) to the claimant(s) and if the same have already been issued, the bank be directed to cancel the same and make an endorsement on the passbook of the claimant(s) to the effect that no cheque book and/or debit card shall be issued to the claimant(s) without the permission of the Court. The claimant(s) be directed to produce the copy of the order passed by the Claims Tribunal before the concerned bank whereupon the bank be directed to make an endorsement on the passbook. The claimant(s) be directed to produce the passbook with the necessary endorsement as well as Aadhaar Card and PAN Card before the Claims Tribunal.

**21. In cases of charge of rash and negligent driving, the Claims Tribunal shall register the case under Section 166 of Motor Vehicles Act, 1988**

Where the Claims Tribunal finds that the Detailed Accident Report and in particular the report under Section 173 Cr.P.C. annexed to the Detailed Accident Report has brought a charge of rash and negligent driving, the Claims Tribunal shall register the claim case under Section 166 of the Motor Vehicles Act, 1988. However, in case where the Detailed Accident Report does not bring a charge of negligence or the claimant(s) chose to claim compensation on No-fault basis despite the charge of negligence, the Claims Tribunal shall register the claim case under Section 163 A of the Motor Vehicles Act, 1988.

**22. Duty of the Insurance Companies to appoint a Designated Officer within 10 days of the receipt of the copy of Detailed Accident Report**

Upon receipt of copy of the Detailed Accident Report, the Insurance Company shall appoint a Designated Officer for that case within 10 days of the receipt of the copy of Detailed Accident Report. The Designated Officer shall be responsible for dealing/processing of that case and to pass a reasoned decision in writing with respect to the compensation payable to the claimant(s) in accordance with law.

**23. Duty of the Insurance Companies to appoint a Nodal Officer and intimate the Meghalaya Police**

All the insurance companies shall appoint a Nodal Officer and intimate the name, address, phone numbers/mobile numbers and e-mail address of their Nodal Officer to Director General of Police/Inspector General of Police, Meghalaya who shall instruct all the Investigating Officers of Meghalaya Police dealing with the investigation of motor accident claims to send the intimation of the road accident (s) in **FORM-I** and Detailed Accident Report in **FORM-II** of MACTAP by e-mail to the Nodal Officer of the concerned Insurance Company.

**24. Duty of the Insurance Companies to get Detailed Accident Report verified by their Surveyor/ Investigator**

The Insurance Companies are duty bound to verify the correctness/genuineness of every claim. The Insurance Companies shall direct their own officer(s) or appoint an investigator or surveyor to verify the accident within 20 days of the receipt of the copy of the Detailed Accident Report from the Investigating Officer. For example, in cases where the Insurance Companies receive the information of an accident relating to death within 48 hours, of the accident, a prompt visit by the officer/investigator/surveyor of the Insurance Company at the place of occurrence, cremation and residence of the deceased to verify the relevant facts and examine the documents at that time, would leave no scope for manipulation of the evidence at a later stage. Similarly, in the Injury Cases, the Insurance Company's officer/ surveyor/ investigator visit to the hospital at the initial stage would be helpful to verify the relevant documents. The Designated Officer shall submit the report of the surveyor/investigator supported by an affidavit before the Claims Tribunal. If the statements made in Detailed Accident Report are found to be incorrect, the Designated Officer shall send the copy of the report of the surveyor/investigator to the Superintendent of Police concerned.

**25. Duty of Insurance Companies to process Detailed Accident Report and submit an offer for settlement within 30 days**

The Insurance Company shall examine the Detailed Accident Report and take a decision as to the quantum of compensation payable to the claimant(s) in accordance with law within 30 days of the date of receipt of the copy of Detailed Accident Report from the Investigating Officer. The decision taken by the Designated Officer of the Insurance Company shall be in writing and it shall be a reasoned decision. The report of the Designated Officer of the Insurance Company shall be in **FORM-III**.

**26. Consent award to be passed where claimant(s) accepts the offer of Insurance Company**

The compensation assessed by the Designated Officer of the Insurance Company shall constitute a legal offer to the claimant(s) and if the said amount is fair and acceptable to the claimant(s), the Claims Tribunal shall pass a consent award and shall provide 30 days time to the Insurance Company to make the payment of the award amount. However, before passing the consent award, the Claims Tribunal shall ensure that the claimant(s) are awarded just compensation in accordance with law. The Claims Tribunal shall also pass an order with respect to the disbursement of the shares of the claimant(s).

**27. Claimant (s) to respond to the offer of the Insurance Company within 30 days**

If the claimant(s) are not in a position to immediately respond to the offer of the Insurance Company, the Claims Tribunal shall grant them time not later than 30 days to respond to the said offer.

**28. Guidelines for assessment of functional disability of the claimant in Injury Cases**

26.1 .All injuries or permanent disability arising from injuries do not result in loss of earning capacity.

26.2. The percentage of permanent disability with reference to the whole body of a person should not be mechanically assumed to be equal to the percentage of loss of earning capacity. The percentage of loss of earning capacity is not the same as the percentage of permanent disability (except in cases, where the Tribunal on the basis of evidence, concluded that percentage of loss of earning capacity is the same as percentage of permanent disability).

26.3. The doctor, who treated or examined the injured-claimant and subsequently assessed the permanent disability, can give evidence of his medical opinion with regard to the extent of permanent disability. However, the percentage of loss of earning capacity is to be assessed by the Claims Tribunal taking into consideration various other factors as mentioned below.

26.4. The same percentage of permanent disability may result in different percentage of loss of earning capacity in different persons, depending upon the nature of profession, occupation or job, age, education and other relevant factors.

26.5. Ascertainment of the effect of the percentage of permanent disability on the actual earning capacity (percentage of loss of earning capacity) involves three steps:-

- (i) The Tribunal has to first ascertain what activities the claimant could carry on in spite of the permanent disability and what he could not do as a result of the permanent disability (this is also relevant for awarding compensation under the head of loss of amenities of life).
- (ii) The second step is to ascertain his avocation, profession and nature of work before the accident, as also his age.
- (iii) The third step is to find out whether:
  - (a) The Claimant is totally disabled from earning any kind of livelihood, or
  - (b) Whether in spite of the permanent disability, the claimant could still effectively carry on the activities and functions, which he was earlier carrying on, or
  - (c) Whether he was prevented or restricted from discharging his previous activities and functions, but could carry on some other or lesser scale of activities and functions so that he continues to earn or can continue to earn his livelihood.

26.6. The Claims Tribunal may consider co-opting or taking the opinion of a medical expert from any Government Hospital for taking assistance in assessing the functional disability. However, cases in which medical expert is co-opted, should be taken up by a Claims Tribunal at a designated time so that the doctor is not made to wait. The proceedings for assessment of the functional disability of the claimant with the assistance of a medical expert should preferably be conducted in camera and counsel for insurance company by any authorized representative of the insurance company be permitted to remain present.

26.7. The photographs of the injured portion should be taken on record in every injury case and a reasoned finding should be recorded in respect of the functional disability in terms of the principles laid down by the Supreme Court in *Raj Kumar v. Ajay Kumar*, (2011) 1 SCC 343.

26.8. The photographs of the injured portion of the claimant should be annexed to the award to enable the Appellate Court to peruse the same in the event of the award being challenged. However, the photographs should not be uploaded on the website of the Court.

## **29. Duty of the Claims Tribunals to elicit the truth**

Before passing the award on the basis of the Detailed Accident Report, the Claims Tribunal shall satisfy itself that the statements made in the Detailed Accident Report are true. Detailed Accident Report is merely an opinion of the Investigating Officer and is not to be treated as legal evidence. The Detailed Accident Report has to be considered like a charge sheet under Section 173 Cr.P.C. and the Claims Tribunal is duty bound to examine the Detailed Accident Report and satisfy itself with respect to the genuineness of the claim as well as all the relevant facts. For example, in death case(s), the Claims Tribunal shall direct the claimant(s) to produce the original documents relating to age, occupation and income of the deceased from the legal representatives and an appropriate award shall be passed after the satisfaction of Claims Tribunal with respect to all the relevant facts. Similarly, in an injury case(s), the Claims Tribunal shall examine the injured and the relevant medical records to satisfy itself with respect to the nature of the injuries and percentage of the functional disability of the injured. The Claims Tribunal may also consider examining the parties under Section 165 of the Evidence Act. Reference be made to the judgment of this Court *Ved Prakash Kharbanda v. Vimal Bindal*, 198 (2013) DLT 555 for scope of Section 165 of the Evidence Act.

## **30. In case of non-settlement, the Claims Tribunal shall conduct an enquiry and pass an award within 30 days**



If the offer of the Insurance Company is not fair or is not acceptable to the claimant(s) or if the Insurance Company has any defence available to it under law, the Claims Tribunal shall proceed to conduct an inquiry under Sections 168 and 169 of the Motor Vehicles Act, 1988 and shall pass an award within a period of 30 days thereafter.

**31. Examination of the claimant(s) before passing of the award**

- (i) The Claims Tribunal shall, before or at the time of passing of the award, examine the claimant(s) to ascertain their financial condition/needs, mode of disbursement and amount to be kept in fixed deposits.
- (ii) The Claims Tribunal shall take on record the following documents from the claimant(s):
  - (a) Aadhaar Card and PAN Card.
  - (b) Details of the Bank Account(s) of the Claimant(s) near the place of their residence; and
  - (c) Two sets of photographs and specimen signatures of the claimant(s).
- (iii) Before disbursement of the award amount, the Claims Tribunal shall

satisfy that the savings bank account(s) of the claimant(s) is near the place of their permanent residence and an endorsement has been made by the bank on the passbook of the claimant(s) to the effect that no cheque book(s) and/or debit card(s) shall be issued to the claimant(s) without prior permission of the Claims Tribunal. If the claimant(s) bank account is not near the place of their permanent residence, the Claims Tribunal shall defer the disbursement of award amount till passbook(s) of savings bank account(s) of the claimant(s) in a nationalized bank near the place of their permanent residence is not produced along with necessary endorsement.

**32. Deposit of the award amount**

In the award, the Claims Tribunal shall specifically direct the Insurance Company and/or the owner/driver, as the case may be, to deposit the award amount or transfer the same by RTGS/NEFT/IMPS directly to the bank account of the Claims Tribunal.

The respondent held liable to pay compensation by the Claims Tribunal shall give notice of deposit of the compensation amount to the claimant(s) and shall file a compliance report with the Claims Tribunal with respect to the deposit of the compensation amount within 15 days of the deposit with the interest upto the date of notice of deposit to the claimant(s) with a copy to their counsel within 30 days of the award. The names and addresses of the claimant(s) and their counsel for issuance of notice of deposit shall be mentioned in the award.

Date of notice of deposit to the claimant(s) with a copy to their counsel within 30 days of the award. The names and addresses of the claimant(s) and their counsel for issuance of notice of deposit shall be mentioned in the award. At the time of passing of the award, the Claims Tribunal shall examine whether the claimant(s) are entitled to exemption of deduction of TDS and if so, the claimant(s) shall submit Form 15G or Form 15H (for senior citizen) to the Insurance Company so that no TDS is deducted. The Claims Tribunal shall record a finding on this aspect at the time of passing of the award.

**33. Protection of the award amount**

The Claims Tribunal shall, depending upon the financial status and financial need of the claimant(s), release such amount as may be considered necessary and direct the remaining amount to be kept in fixed deposits in a phased manner (for example, if a sum of Rs. 5,50,000/- has been awarded to the claimant(s) Rs. 50,000/- may be released immediately and the remaining amount of Rs. 5,00,000/- may be kept in 50 fixed deposits of Rs.10,000/- each, in the name of the claimant(s), for the period of

one month to 50 months respectively, with cumulative interest). The claims tribunal shall impose the following condition with respect to the fixed deposits:-

- (a) The Bank shall not permit any joint name(s) to be added in the savings bank account of the claimant(s) i.e. the savings bank account(s) of the claimant(s) shall be an individual savings bank account(s) and not a joint account(s).
- (b) The original fixed deposit shall be retained by the bank in safe custody. However, the statement containing FDR number, FDR amount, date of maturity and maturity amount shall be furnished by bank to the claimant(s).
- (c) The monthly interest be credited by Electronic clearing system (ECS) in the savings bank account of the claimant(s) near the place of their residence.
- (d) The maturity amounts of the FDR(s) be credited by Electronic clearing system (ECS) in the savings bank account of the claimant(s) near the place of their residence.
- (e) No loan, advance, withdrawal or pre-mature discharge be allowed on the fixed deposits without permission of the court.
- (f) The concerned bank shall not be issued any cheque book and/or debit card to claimant(s). However, in case the debit card and/or cheque book have already been issued, bank shall cancel the same before the disbursement of the award amount. The bank shall debit card(s) freeze the account of the claimant(s) so that no debit card be issued in respect of the account of the claimant(s) from any other branch of the bank.
- (g) The bank shall make an endorsement on the passbook of the claimant(s) to the effect that no cheque book and/or debit card have been issued and shall not be issued without the permission of the Court and claimant(s) shall produce the passbook with the necessary endorsement before the Court on the next date fixed for compliance.
- (h) It is clarified that the endorsement made by the bank along with the duly signed and stamped by the bank official on the passbook(s) of the claimant(s) is sufficient compliance of clause(g) above.

**34. Claims Tribunal shall deal with the compliance of the provisions in the award**

- (i) The Claims Tribunal shall incorporate the summary of computation of compensation in **FORM-IVA** in the award of death cases and summary of computation of compensation in **FORM-IVB** in the award of injury cases.
- (ii) In order to implement the new provisions for payment of compensation to the victim of the road accident within 90 days to 120 days of the accident, in true letter and spirit, the Claims Tribunal shall deal with the compliance of the new provisions in the award, especially as to whether there has been any delay or deficiency on the part of the Investigating Officer of the police and/or the Designated Officer of the Insurance Company. In the event of any delay or deficiency on the part of the Investigating Officer of the Police, the Claims Tribunal may consider recommending adverse entry to be made in the service record of the concerned Officer. In case of delay or deficiency on the part of the Designated Officer of the Insurance Company, the Claims Tribunal may consider recommending adverse entry to be made in the service record of the concerned officer or impose cost/penal interest to be recovered from the salary of the officer in default. The Claims Tribunal shall incorporate the compliance of the provisions of the Modified Claims Tribunal Agreed Procedure in the award in **FORM-V**.

**35. Claims Tribunal shall fix a date for reporting compliance**

- (i) The Claims Tribunal shall fix a date for reporting compliance in the award itself. The Claims Tribunal shall also direct the Insurance Company and/or driver or owner to place on record the

proof of deposit of the compensation amount with upto date interest, the notice of deposit and the calculation of interest on the date so fixed. Upon such proof being filed, the Claims Tribunal shall ensure that the interest upto the date of notice of deposit has been deposited by the party concerned.

- (ii) If the award amount is not deposited within the stipulated period, the Claims Tribunal shall attach the bank account of the Insurance Company after 90 days of the award in terms of principles laid down in **New India Assurance Company Ltd. v. Kashmiri Lal, (2005) 125 DLT 571**.
- (iii) If the award of the Claims Tribunal is stayed by the High Court in appeal, the Claims Tribunal shall close the matter with liberty to the claimant(s) to revive it after the decision of the appeal.

**36. Copy of the Detailed Accident Report as well as the Award to be sent to the concerned Magistrate**

- (a) The Investigating Officer shall submit a copy of the Detailed Accident Report before the concerned Magistrate within one week of submitting the same before the Claims Tribunal. The Investigating Officer shall also submit the copy of the award passed by the Claims Tribunal before the concerned Magistrate within one week of the passing of the award.
- (b) The Claims Tribunal shall also send a certified copy of the award passed by the Claims Tribunal to the concerned Magistrate.

**37. Copy of the award to be sent to the Meghalaya State Legal Services Authority**

The Claims Tribunal shall send a copy of the award to the Meghalaya State Legal Services Authority. In the event of delay in passing of the award caused due to delay or deficiency on the part of the Investigating Officer or the Designated Officer of the Insurance Company, the Meghalaya State Legal Services Authority shall take up the matter with the Police and/or Insurance Company, as the case may be.

**38. Written submission to be filed by the parties before the Claims Tribunals**

The formats of the written submissions to be filed by the parties before the Claims Tribunals are attached to Motor Accident Claims Tribunal Agreed Procedure as **FORM-VIA** or **FORM-VIB**, as the case may be.

**39. Record of awards of the Claims Tribunal**

The record of the awards passed by the Claims Tribunals shall be maintained in a chronological order according to the date of the award in such a manner that it is easy for the litigants/lawyers to ascertain whether the compensation has been received or not. The format of the record of the awards shall be in FORM-VII. The Claims Tribunals shall send the monthly compliance report to the Secretary, Law Department, Meghalaya in **FORM-VIIA and FORM-VIIB**.

**M. R. SYNREM,**

Commissioner & Secretary to the Govt. of Meghalaya,  
Transport Department.

**FORM-V****COMPLIANCE OF THE PROVISIONS OF THE MOTOR ACCIDENT CLAIMS TRIBUNAL AGREED  
A PROCEDURE TO BE MENTIONED IN THE AWARD**

1.	Date of the accident	
2.	Date of intimation of the accident by the Investigation Officer to the Claims Tribunal.	
3.	Date of intimation of the accident by the Investigating Officer to the Insurance Company	
4.	Date of filing of Report under Section 173 Cr.P.C before the Magistrate.	
5.	Date of filing of Detailed Accident Information Report (DAR) by the Investigating Officer before Claims Tribunal.	
6.	Date of service of DAR on the Insurance Company.	
7.	Date of service of DAR on the claimant(s).	
8.	Whether DAR was complete in all respects?	
9.	If not, whether deficiencies in the DAR removed later on?	
10.	Whether the police has verified the documents filed with DAR?	
11.	Whether there was any delay or deficiency on the part of the Investigating Officer? If so, whether any action/direction warranted?	
12.	Date of appointment of the Designated Officer by the Insurance Company.	
13.	Name, address and contact number of the Designated Officer of the Insurance Company.	
14.	Whether the Designated Officer of the Insurance Company submitted his report within 30 days of the DAR (Clause 22)	
15.	Whether the Insurance Company admitted the liability? If so, whether the Designated Officer of the Insurance Company fairly computed the compensation in accordance with law.	
16.	Whether there was any delay or deficiency on the part of the Designated Officer of the Insurance Company? If so, whether any action/direction warranted?	
17.	Date of response of the claimant(s) to the offer of the Insurance Company.	
18.	Date of the award.	
19.	Whether the award was passed with the consent of the parties?	
20.	Whether the claimant(s) were directed to open savings bank account(s) near their place of residence?	

21.	Date of order by which claimant(s) were directed to open savings bank account(s) near his place of residence and produce PAN Card and Aadhar Card and the direction to the bank not issue any cheque book/debit card to the claimant(s) and make an endorsement to this effect on the passbook.	
22.	Date on which the claimant(s) produced the passbook of their savings bank account near the place of their residence along with the endorsement, PAN Card and Aadhar Card?	
23.	Permanent Residential Address of the claimant(s).	
24.	Details of savings bank account(s) of the claimant(s) and the address of the bank with IFSC Code.	
25.	Whether the claimant(s) savings bank account(s) is near his/her place of residence?	
26.	Whether the claimant(s) were examined at the time of passing of the award to ascertain his/her financial condition?	
27.	Account number, MICR number, IFSC Code, name and branch of the bank of the Claims Tribunal in which the award amount is to be deposited/transferred.	

**FORM-I****INTIMATION OF THE ROAD ACCIDENT BY THE INVESTIGATING OFFICER TO THE  
CLAIMS TRIBUNAL AND THE INSURANCE COMPANY**

1.	FIR No., date and under Section	
2.	Name of the Police Station	
3.	Date, time and place of the accident	
4.	Source of Information (Name, Address & Tel No.) (a) Driver/Owner, (b) Victim, (c) Witness, (d) Hospital/Medical Facility	
5.	Nature of the accident: (a) Whether resulted in death or injury or both? (b) Number of persons injured/died, (c) In case of Injuries, whether simple or grievous?	
6.	Name and address of the injured/deceased.	
7.	Details of the hospital where the victim(s) has been taken.	
8.	Registration of the vehicle(s) involved in the accident.	
9.	Name, address and contact no. of the owner of the offending vehicle(s).	
10.	Name, address and contact no. of the driver of the offending vehicle(s).	
11.	Insurance Policy Number of the offending vehicle(s).	
12.	Period of Insurance Policy of the offending vehicle(s).	
13.	Name and address of the Insurance Company of the offending vehicle(s).	
14.	Name and contact no. of the Investing Officer	

S.H.O/I.O.....

P.S.....

Date.....

Enclosed - Copy of the FIR

**FORM-II**  
**DETAILED ACCIDENT REPORT (PAR)**

<b>PART I</b> <b>PARTICULARS OF THE ACCIDENT</b>		
<b>1.</b>	FIR No., date and under Section	
<b>2.</b>	Name of the Police Station	
<b>3.</b>	Offences as per report under Section 173 CrPC	
<b>4.</b>	Date, time and place of the accident	
<b>5.</b>	Who reported the accident to the Police? (Give name, Address & contact no.) (e) Driver/Owner, (f) Victim, (g) Witness, Hospital/Medical Facility	
<b>6.</b>	Name of the person who took the victim to the hospital, name of the hospital and at what time.	
<b>7.</b>	Whether any hospital denied treatment to the victim?	
<b>8.</b>	Nature of the accident: (d) Whether resulted in death or injury or both? (e) Number of persons injured/died.	
<b>9.</b>	Particulars of the offending vehicle(s)	
<b>10.</b>	Number of persons in the offending vehicle(s)	
<b>11.</b>	Whether the victim was: (a) Pedestrian/bystander, (b) Cyclist, (c) Scooterist. (d) Travelling in a vehicle. If so, whether at driving seat, back seat, front seat, side car, travelling at rear guard cargo area, etc. (e) Victim's vehicle no. (f) No. of persons in the victim's vehicle	
<b>12.</b>	Name and contact no. of the Investigating Officer	
<b>13.</b>	Names of witness(es) of the accident	
<b>14.</b>	Brief description of the accident	

	<b>PART-II SITE PLAN</b>	
<b>15.</b>	Date of preparation of the site plan	
<b>16.</b>	<p>Site Plan Shall indicate:</p> <ul style="list-style-type: none"> <li>(i) Place of accident,</li> <li>(ii) Position of vehicle(s).</li> <li>(iii) Position of victim(s).</li> <li>(iv) Skid marks,</li> <li>(v) Road-whether one way or two way</li> <li>(vi) Lane in which the accident took place,</li> <li>(vii) Permissible speed limit on the road at the site of the accident,</li> <li>(viii) Whether presence of police officer, road markings, warning sign, stop sign were there?</li> <li>(ix) Location of zebra crossing or pedestrian zone,</li> <li>(x) Whether near traffic light? If so, whether functional?</li> <li>(xi) Distance of speed breakers, if any, from the spot of accident.</li> <li>(xii) Width and type of road-national highway /city road/express way/rural road, etc.</li> </ul> <p><b>(xiii) Direction of the vehicle(s):</b></p> <ul style="list-style-type: none"> <li>(a) Same direction (rear end).</li> <li>(b) Same direction (side swipe).</li> <li>(c) Right angle.</li> <li>(d) Opposite direction (angular).</li> <li>(e) Opposite direction side swipe.</li> <li>(f) Struck parked vehicle.</li> <li>(g) Left turn.</li> <li>(h) U-turn reversing.</li> </ul> <p><b>(xiv) Direction of movement of the vehicle(s).</b></p> <ul style="list-style-type: none"> <li>(a) North</li> <li>(b) East</li> <li>(c) South</li> <li>(d) West</li> </ul> <p><b>(xv) Road Divided by</b></p> <ul style="list-style-type: none"> <li>(a) Barrier Median</li> <li>(b) Curbed Median</li> <li>(c) Grass Median</li> <li>(d) Painted Median</li> <li>(e) None</li> </ul>	



	<p><b>(xvi) Light Condition</b></p> <ul style="list-style-type: none"> <li>(a) Daylight</li> <li>(b) Dusk</li> <li>(c) Dark (No Street Light)</li> <li>(d) Dark (Street Light On, Spot)</li> <li>(e) Dawn</li> <li>(f) Dark (Street Lights Off)</li> <li>(g) Dark (Street Light On, Continuous)</li> </ul> <p><b>(xvii) Visibility/Environmental Condition</b></p> <ul style="list-style-type: none"> <li>(a) Clear</li> <li>(b) Fog/Smog/Smoke</li> <li>(c) Snow</li> <li>(d) Severe Crosswinds</li> <li>(e) Rain</li> <li>(f) Blowing Sand or Dirt</li> <li>(g) Sun Glare</li> </ul> <p><b>(xviii) Road Character</b></p> <ul style="list-style-type: none"> <li>(a) Straight and Level</li> <li>(b) Straight and Grade</li> <li>(c) Straight and Hillcrest</li> <li>(d) Curve and Level</li> <li>(e) Curve and Grade</li> <li>(f) Curve and Hillcrest</li> <li>(g) Under construction/maintenance</li> </ul> <p><b>(xix) Road Surface Type</b></p> <ul style="list-style-type: none"> <li>(a) Concrete</li> <li>(b) Blacktop</li> <li>(c) Gravel</li> <li>(d) Steel Grid</li> <li>(e) Dirt</li> <li>(f) Pot Holes</li> <li>(g) Cave in</li> <li>(h) Construction Material on Road</li> </ul> <p><b>(xx) Road Surface Condition</b></p> <ul style="list-style-type: none"> <li>(a) Dry</li> <li>(b) Wet</li> <li>(c) Snowy</li> <li>(d) Water (standing/moving)</li> <li>(e) Sand, Mud, Dirt</li> <li>(f) Oil</li> </ul>	
--	--	--

	<p><b>(xxi) Airbag Deployment</b></p> <ul style="list-style-type: none"> <li>(a) Front</li> <li>(b) Side</li> <li>(c) Multiple</li> <li>(d) None</li> </ul> <p><b>(xxii) Ejection from Vehicle</b></p> <ul style="list-style-type: none"> <li>(a) Not ejected</li> <li>(b) Ejected</li> <li>(c) Partial Ejection</li> <li>(d) Trapped</li> </ul> <p><b>(xxiii) Temporary Traffic Zone</b></p> <ul style="list-style-type: none"> <li>(a) None</li> <li>(b) Construction</li> <li>(c) Maintenance zone</li> <li>(d) Utility zone</li> <li>(e) Incident zone</li> </ul> <p><b>(xxiv) Total Number of entities involved in the crash Crash type :</b></p> <p>With other motor vehicle as first event :</p> <ul style="list-style-type: none"> <li>(a) Same Direction (Rear End)</li> <li>(b) Same Direction (Slide Sweep)</li> <li>(c) Right Angle</li> <li>(d) Opposite Direction (Hereon, Angular)</li> <li>(e) Opposite Direction (Slide Sweep)</li> <li>(f) Struck Parked Vehicle</li> <li>(g) Left Turn/U Turn</li> <li>(h) Backing</li> <li>(i) Encroachment</li> </ul>	
--	--	--

	With below as first event: (a) Overturn (b) Fixed Object (c) Animal (d) Pedestrian (e) Pedal Cyclist (f) Non-fixed Object (g) Railcar Vehicle	
<b>PART-II</b> <b>PARTICULARS OF THE DRIVER(S)</b> <b>(In case of more than one driver, submit separate Part III for each driver)</b>		
17.	Name, Address and Contact No. of the driver	
18.	Age	
19.	Gender	
20.	Education	
21.	Occupation	
22.	Family	
23.	Income (monthly)	
24.	Account No. with name and Address of the Bank in which the driver is maintaining his account.	
25.	Driving Licence: (a) Driving Licence No. (b) Whether Learner's Licence? (c) Period of validity (d) Issued by (e) Class of vehicle (f) Whether licence suspended or cancelled?	
26.	In case of learner's Licence: (a) Whether driving under supervision, (b) Whether driving with lapsed Learner's Licence	
27.	Whether driver is the owner/paid driver/otherwise?	
28.	Whether driver with the knowledge/consent of the owner?	
29.	Whether driving under influence of alcohol/drugs? Whether finding based on scientific report?	

<b>30.</b>	(a) Whether the driver reported the accident to the police/family of the victim? (b) Whether the driver took the victim to the hospital? (c) Whether the driver visited the victim at the hospital? (d) Whether the driver remained at the spot till arrival of the police? (e) Whether the driver removed the offending vehicle from the spot till the arrival of the police? (f) Whether the driver paid compensation/medical compensation to the victim/his family? (g) Whether the driver co-operated in investigation? (h) Whether the driver suffered injuries in the accident? (i) Whether the driver discharged duty under Section 132 & 134 of the MV Act, 1988? If not, whether the driver has been prosecuted under Section 187 MV Act, 1988?	
<b>31.</b>	Whether tire driver fled from the spot? If so, the date on which he appeared before the police/Court or was arrested?	
<b>32.</b>	Any other relevant information relating to the driver	

<b>PART-IV</b> <b>PARTICULARS OF THE OFFENDING VEHICLE(S)</b> <b>(In case of more than one vehicle, submit separate Part IV for each vehicle)</b>		
<b>33.</b>	(a) Registration No. (b) Colour (c) Make (d) Model (e) Year (f) Engine No. (g) Chasis No. (h) Address of the Registering Authority (i) Private or Commercial (public service vehicle, goods carriage/educational institution bus)	
<b>34.</b>	Name, Address, Occupation and Contact Number of the owner: (a) In case of company, person in charge in terms of Section 199 of the MV Act, 1988 (b) In case of sale of the vehicle, give particulars of the purchaser and date of transfer	

<b>35.</b>	<b>In case of commercial vehicle:</b> (a) Particulars of fitness (b) Particulars of permit	
<b>36.</b>	Whether driver employed on monthly or daily basis? Attach the proof of employment of driver such as appointment letter, salary slip, duty register or other relevant documents	
<b>37.</b>	In case the driver fled from the spot, did the owner produce the driver before the police? If so, when? Attach the copy of the notice under Section 133 MV Act, 1988 and its reply	
<b>38.</b>	Whether the owner reported the accident to the Insurance Company? If so, when?	
<b>39.</b>	Whether the owner co-operated in the investigation?	
<b>40.</b>	(a) Whether the owner discharged his duties under Section 133 and 134 MV Act, 1988? If not, whether the owner prosecuted under Section 187 MV Act, 1988?	
<b>41.</b>	<b>In the case of un-insured vehicle:</b> (a) Whether the owner/driver/person who caused or allowed the un-insured vehicle to be driven prosecuted under Section 196 of the MV Act, 1988? (b) Whether the owner/driver paid any amount to the victim or his family? Give particulars, if available.	
<b>PART-V</b> <b>PARTICULARS OF THE INSURANCE OF THE VEHICLE(S)</b>		
<b>42.</b>	Policy Number	
<b>43.</b>	Period of policy	
<b>44.</b>	Issued by (give Name and Address of the Insurance Company)	
<b>45.</b>	Nature of policy i.e. Third party or comprehensive	
<b>46.</b>	Name, Address and Contact Number of the Designated Officer of the Insurance Company	
<b>47.</b>	Date of intimation of the accident by the Investigating Officer to the Insurance Company	
<b>48.</b>	Date of appointment of the Designated Officer by the Insurance Company	
<b>49.</b>	Account No. with Name and Address of the Bank in which the Insurance company is having its account	

<b>PART-V</b> <b>MECHANICAL INSPECTION OF ALL VEHICLES INVOLVED IN THE ACCIDENT</b>		
<b>50.</b>	Name and Qualification of the Mechanical Officer	
<b>51.</b>	Date of mechanical inspection of the Vehicle(s)	
<b>52.</b>	Date of mechanical inspection report(s)	
<b>53.</b>	Whether the mechanical inspection report is in term of Annexure-A? If so, give reasons thereof	
<b>54.</b>	Whether any delay in mechanical inspection or submitting report? If yes, give reasons thereof.	
<b>PART-VII</b> <b>IMPACT OF THE ACCIDENT OF THE VICTIM(S)</b> <b>(In case of more than one victim, submit separate Part VII for each victim)</b>		
	<b>Death Cases:</b> (a) Name and Address of the deceased (b) Age (c) Gender (d) Education (e) Occupation (f) Income (monthly) (g) Legal heirs/Guardian: (i) Name (ii) Relationship (iii) Age (iv) Address (v) Contact No. <b>Injury Cased:</b> (a) Name and Address of injured (b) Age (c) Gender (d) Education (e) Occupation (f) Income (monthly) (g) Details of family/dependents of the victim (h) MLC No. (i) Nature of injuries	

	(j) Name of hospital(s) where injured treated? (k) Whether victim refused medical treatment (l) Period of hospitalization (m) Period of treatment (n) Whether treatment continuing (o) Name, Address and Contact Number of the doctor(s) who treated the injured (p) Whether injured underwent any surgery(s)? If so, give particulars (q) Whether suffered any permanent disability? If yes, give details, (r) Expenditure incurred on treatment, conveyance, special diet attendant etc. Give details (s) Whether the injured got re-imbursement of medical expenses from his employer or under a mediclaim policy. If yes, give details (t) Whether the injured provided cashless treatment by the Insurance Company? If yes, give details	
57.	Any other relevant information	

PART-VIII		
APPARENT CONTRIBUTING CIRCUMSTANCES		
58.	Driving without valid Driving Licence	
59.	Driving while disqualified	
60.	Learner driving without supervision	
61.	Vehicle not insured	
62.	Driving a stolen vehicle	
63.	Vehicle taken out without the consent of the owner	
64.	Driving dangerously or at excessive speed	
65.	Under the influence of alcohol or drugs. If yes, give quantity/ parameters/ recovery	
66.	Dangerously loaded vehicle	
67.	Parking on the wrong side of the road	
68.	Parking at prohibited places	
69.	Non-observance of traffic rules	
70.	Poorly maintained vehicle	
71.	Fake/forged driving licence	
72.	Previous conviction(s)/past history	

<p><b>73.</b></p> <p><b>74.</b></p> <p><b>75.</b></p>	<p><b>Driving Aggressively:</b></p> <ul style="list-style-type: none"> <li>(a) Jumped red light</li> <li>(b) Abrupt braking</li> <li>(c) Neglected to keep to the left of the road</li> <li>(d) Driving crisscross</li> <li>(e) Driving too close to the vehicle in front</li> <li>(f) Persistent inappropriate attempts to overtake</li> <li>(g) Cutting in after overtaking</li> <li>(h) Racing/competitive driving</li> <li>(i) Crossing speed limit</li> <li>(j) Disregarding any warnings</li> <li>(k) Driving on the wrong side</li> <li>(l) Overtaking where prohibited</li> <li>(m) Driving with loud music</li> <li>(n) Improper reversing</li> <li>(o) Improper passing</li> <li>(p) Improper turning</li> <li>(q) Driving in No Entry hours</li> <li>(r) Not slowing down at crossing/road junction</li> <li>(s) Turning without indication</li> <li>(t) Not respecting stop sign on road surface,</li> <li>(u) Not respecting right of way to pedestrian</li> <li>(v) Using mobile phone while driving</li> </ul> <p><b>Irresponsible behavior</b></p> <ul style="list-style-type: none"> <li>(a) Failing to stop after accident</li> <li>(b) Ran away from the spot after leaving the vehicle</li> <li>(c) Destruction or attempt to destroy the evidence,</li> <li>(d) Falsely claiming that one of the victims was responsible for the accident</li> <li>(e) Trying to throw the victim off the bonnet of the vehicle by swerving in order to escape</li> <li>(f) Causing death/injury in the course of dangerous driving post commission of crime of chased by police in an attempt to avoid detection or apprehension,</li> <li>(g) Offence committed while the offender was on bail,</li> <li>(h) Misled the investigation,</li> <li>(i) Post-accident road rage behavior. If yes, give details</li> </ul> <p><b>Any other contributing factor</b></p>	
---	--	--



## PART-IX

### OTHER OFFENCES COMMITTED AT THE SAME TIME

76.		
-----	--	--

**PART-X**

**DIRECTION REQUIRED FROM CLAIMS TRIBUNAL**

77.	The driver(s) involved in the accident has not furnished information mentioned in Serial No. _____ (Serial Nos. 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30 and 41(b) of Part III of FORM-II) and the documents mentioned in Serial No._____ (Serial Nos. 91, 92, 93, 94, 95, 96, 97 of Part XI of FORM-II). The driver (s) may be directed to furnish the requisite information on affidavit along with the original documents before the Claims Tribunal. (Copy of the letter demanding the information/documents be attached).	
-----	--	--

78.	The owner(s) of the vehicles involved in the accident has not furnished the information mentioned in Serial No._____ (Serial Nos. 34, 35, 36, 38, 40 and 41(b) of Part IV of FORM-II) and has not produced the documents mentioned in Serial No._____ (Serial No. 92, 93, 94, 95, 96 and 97 of Part XI of FORM-II). The owners) may be directed to furnish the requisite information on an affidavit along with the original documents before the Claims Tribunal. (Copy of the letter demanding the information/documents be attached)	
79.	The Insurance Company has failed to disclose information in Serial No._____ (Serial Nos. 46, 47, 48, 49 of Part V of FORM-II). The Insurance Company may be directed to furnish the requisite information on an affidavit along with the original documents before the Claims Tribunal. (Copy of the letter demanding the information/documents be attached)	
80.	The claimant(s) have failed to disclose the information mentioned in Serial No._____ (Serial Nos.55 and 56 of Part VII of FORM-II) and furnish the documents mentioned in Serial No._____ (Serial Nos.101 and 102 of Part XI of FORM-II). The claimant (s) may be directed to disclose the requisite information on an affidavit along with the original documents before the Claims Tribunal. (Copy of the letter demanding the information/ documents be attached)	
81.	The registration authority have failed to verify documents (registration certificate, driving licence, fitness and permit) within 15 days of the application in terms of Clause 5 of the Modified Claims Tribunal Agreed Procedure and, therefore, necessary directions be issued to the registration authority to produce the same before the Claims Tribunal. (Copy of the letter demanding the information/documents be attached)	
82.	_____ Hospital has failed to issue (MLC/Post Mortem Report) within 15 days of the accident in terms of Clause 6 of the MCTAP and, therefore, the necessary directions be issued to the Hospital to produce the same before the Claims Tribunal. (Copy of the letter demanding the information/documents be attached)	
83.	Specify any other direction that may be necessary.	
	<b>PART-XI</b> <b>RELEVANT DOCUMENTS TO BE ATTACHED</b>	
84.	First Information Report	
85.	Site plan in terms of (Serial No.16 of Part II of FORM-II)	
86.	Photographs of the scene of accident from all angles	
87.	Photographs of all vehicles involved in the accident from all angles	
88.	Photographs and admitted signature of the driver(s) of the offending vehicle(s)	
89.	Photograph and specimen signature of the owner(s) of the offending vehicle(s)	

90.	Mechanical Inspection Report in format of Annexure A	
91.	Driving licence of the driver offending vehicle(s)	
92.	Proof of employment of driver such as appointment letter, salary slips, duty register etc.	
93.	Registration certificate of the offending vehicle(s)	
94.	In case of transfer of vehicle, sale documents, possession letter or any other documents relating to transfer, if any	
95.	Insurance Policy of the offending vehicle(s)	
96.	Permit (for commercial vehicle)	
97.	Fitness Certificate /for commercial vehicle)	
98.	Report under Section 173 Cr.P.C	
99.	Statements of the witnesses recorded by the police	
100.	Scientific report, if the driver was under the influence of liquor/drugs	
101.	<b>In case of Death</b> (a) Post Mortem Report (b) Death Certificate (c) Photograph and proof of the identity of the deceased (d) Proof of age of the deceased which may be in form of: (i) Birth Certificate (ii) School Certificate (iii) Certificate from Gram Panchayat (in case of illiterate) (e) Proof of Occupation and income of the deceased which may be in form of: (i) Pay slip/salary certificate for salaried employees (ii) Bank statements of the last six months (iii) Income Tax Returns (iv) Balance Sheets (f) Proof of the legal representatives of the deceased (i) Names (ii) Age (iii) Address (iv) Relationship (v) Contact no. (g) Photographs, specimen signatures attested by the bank and identity proof of the legal representatives of the deceased (h) Treatment record medical bills and other expenditure (i) Bank Account no. of the legal representatives of the deceased with name and address of the bank.	

<b>102.</b>	<b>In case of Injury</b> (a) MLC (b) Multi angle photographs of the injured (c) Photographs, specimen signatures attested by the bank and identity proof of the injured (d) Proof of age of the injured which may be in form of : (i) Birth Certificate (ii) School Certificate (iii) Certificate from Gram Panchayat (in case of illiterate) (e) Proof of occupational income of the injured at the time of the accident which may be in form of: (i) Pay slip/salary certificate for salaried employees (ii) Bank statements of the last six months (iii) Income Tax Returns (iv) Balance Sheets (f) Treatment record, medical bills and other expenditure. In case of long term treatment, the SHO/IO shall also record the details so that the claimant may furnish documents before the Claims Tribunal, (g) Disability certificate (h) Proof of absence from work where loss of income on account of injury is being claimed, which may be in the form of: (i) Certificate from the employer (ii) Extracts from the attendance register (i) Proof of reimbursement of medical expenses by employer or under Mediclaim policy, if taken'	
<b>103.</b>	Copy of the letter of the Investigating Officer demanding the relevant information/documents from the driver as mentioned in Serial No. 77 above	
<b>104.</b>	Copy of the letter of the Investigating Officer demanding the relevant information/documents from the owner as mentioned in Serial No. 78 above	
<b>105.</b>	Copy of the letter of the Investigating Officer demanding the relevant information/documents from the Insurance Company as mentioned in Serial No. 79 above	
<b>106.</b>	Copy of the letter of the Investigating Officer demanding the relevant information/documents from the claimant(s) as mentioned in Serial No. 80 above	
<b>107.</b>	Copy of the letter of the Investigating Officer demanding the relevant information/documents from the registration authorities as mentioned in Serial No. 81 above	
<b>108.</b>	Copy of the letter of the Investigating Officer demanding the relevant information/documents from the hospital as mentioned in Serial No. 82 above	
<b>109.</b>	Any other relevant document(s)	

**VERIFICATION**

Verified at ..... on this.....of ....., that the contents of the above report are true and correct as per information and documents gathered during investigation.

Officer In-charge  
(Name and Stamp)

Superintendent of Police  
(Name and Stamp)

**ANNEXURE 'A' TO DETAILED ACCIDENT REPORT (PAR) FORMAT OF THE  
MECHANICAL INSPECTION REPORT**

**(Submit separate Mechanical Inspection Report for each vehicle)**

1. Case FIR No.
2. Under Section
3. Police Station
4. Registration No. of the vehicle
5. Make, Model Name, Colour & Type of Vehicle
6. In case of HTV/MGV/LGV
  - (a) Whether Lateral Under Run Protective Device (LUPD) & Rear Under Run Protective Device (RUPD) installed?  
(For vehicle weighing 3.5 ton or more).
  - (b) Whether speed governor installed & functional or otherwise?
7. In case of commercial vehicle:
  - (a) Particulars of fitness
  - (b) Particulars of permit
8. Point of impact and damage
9. Mechanical condition of the vehicle
10. Paint marks (if any)
11. Condition of braking system i.e. working or not?
12. Whether the vehicle fitted with Anti-lock Braking system (ABS)?
  - (a) If yes, whether it is functioning or not?
  - (b) Whether trials regarding skid marks of ABS fitted vehicle have been carried out to estimate the speed of the vehicle
13. Whether vehicle modified by
  - (a) Installing CNG/LPG Kit
  - (b) Change of vehicle body
14. Condition of tyres -whether original or retreaded?
15. Whether horn was installed and functional?
16. Whether the brake lights & other lights functional?
17. Condition of safety bags in the vehicle
18. Whether the vehicle properly maintained

**FORM-III****REPORT OF THE DESIGNATED OFFICER OF THE INSURANCE COMPANY**

(To be filed within 30 days of the receipt of the copy of the DAR from the Investigating Officer)

**PART-I****DETAILS OF THE CASE**

1.	Date of the accident	
2.	Date of intimation of the accident by the Investigating Officer of the Insurance Company	
3.	Date of receipt of DAR from the Investigating Officer	
4.	Date of appointment of the Designated Officer by the Insurance Company	
5.	Name and particulars of the Designated Officer	
6.	Date of appointment of the Survey/Investigator by the Insurance Company	
7.	Name and particulars of the Surveyor/Investigator	
8.	Date of report of the Surveyor/Investigator	
9.	Date of decision of the Designated Officer	
10.	Date of submission of the report of the Designated Officer before the Claims Tribunal	
11.	Whether the report has been filed within 30 days of the receipt of DAR? If no, give reasons	

**PART-II****COMPUTATION OF COMPENSATION IN DEATH CASES**

12.	Name of the deceased	
13.	Age of the deceased	
14.	Occupation of the deceased	
15.	Income of the deceased	
16.	Name, age and relationship of legal representatives of deceased	
17.	Documents considered (i) Proof age (ii) Proof of occupation and income (iii) Proof of age of legal representative (iv) Other relevant documents	
18.	Computation of compensation (i) Income of deceased (A) (ii) Add-Future Prospects (B) (iii) Less-Personal expenses of the deceased (C) (iv) Monthly loss of dependency [(A+B)-C=D] (v) Annual loss of dependency (Dx12) (vi) Multiplier (E) (vii) Total loss of dependency (Dx12xE=F) (viii) Compensation for loss of consortium (G) (ix) Compensation for loss of estate (H) (x) Compensation towards funeral expenses (I)	
	<b>TOTAL COMPENSATION (G+H+I)</b>	

<b>PART-III</b> <b>COMPUTATION OF COMPENSATION IN INJURY CASES</b>		
19.	Name of the victim	
20.	Age of the victim	
21.	Occupation of the victim	
22.	Income of the victim	
23.	Nature of injury	
24.	Medical treatment taken by the victim	
25.	Whether any permanent disability? If yes, give details.	
26.	Computation of compensation	
	<b>Pecuniary Loss:</b> (i) Expenditure on treatment (ii) Expenditure on conveyance (iii) Expenditure on special diet (iv) Cost of nursing/attendant (v) Loss of earning capacity (vi) Loss of income (vii) Any other loss which may require any special treatment or aid to the injured for the rest of his life	
	<b>Non-Pecuniary Loss:</b> (viii) Compensation for mental and physical shock (ix) Pain and suffering (x) Loss of amenities of life (xi) Disfiguration (xii) Loss of marriage prospects (xiii) Loss of earning, inconvenience, hardships, disappointment, frustration, mental stress; dejection and unhappiness in future life etc.	
<b>TOTAL COMPENSATION</b>		

<b>Verification</b>	
Verified at _____ on this _____ day of _____ that the contents of the above report are true and correct. I am well conversant with the principals of computation and have applied the same to compute the compensation.	
<b>DESIGNATED OFFICER</b>	

**FORM -IV A**

**SUMMARY OF COMPUTATION OF AWARD AMOUNT IN DEATH CASES TO BE  
INCORPORATED IN THE AWARD**

1. Date of accident.....
2. Name of the deceased.....
3. Age of deceased.....
4. Occupation of the deceased.....
5. Income of the deceased.....
6. Name, age and relationship of legal representatives of deceased:

Sl. No.	Name	Age	Relation
(i)			
(ii)			
(iii)			
(iv)			

**Computation of Compensation**

Sl. No.	Heads	Awarded by the Claims Tribunal
7.	Income of the deceased (A).	
8.	Add-Future Prospects (B).	
9.	Less-Personal expenses of the deceased (C).	
10.	Monthly loss of dependency [(A+B)-C=D].	
11.	Annual loss of dependency (Dx12).	
12.	Multiplier (E).	
13.	Total loss of dependency (Dx12xE=F).	
14.	Medical Expenses (G).	
15.	Compensation for loss of consortium (H).	
16.	Compensation for loss of estate (i).	
17.	Compensation towards funeral expenses (J).	
18.	<b>TOTAL COMPENSATION (F+G+H+I+J=K).</b>	
19.	<b>RATES OF INTEREST AWARDED.</b>	
20.	Interest amount up to the date of award (L).	
21.	Total amount including interest (K+L).	
22.	Award amount released.	
23.	Award amount kept in FDRs.	
24.	Mode of disbursement of the award amount to the claimant(s).	
25.	Next Date for compliance of the award	



**FORM-IVB**  
**SUMMARY OF THE COMPUTATION OF AWARD AMOUNT IN INJURY CASES TO BE**  
**INCORPORATED IN THE AWARD**

1. Date of accident.....
2. Name of the injured.....
3. Age of injured.....
4. Occupation of the injured.....
5. Income of the injured.....
6. Nature of injury.....
7. Medical treatment taken by the injured.....
8. Period of hospitalization.....
9. Whether any permanent disability? If yes, give details.....

10.	Computation of Compensation	
Sl. No.	Heads	Awarded by the Tribunal
<b>11.</b>	<b>Pecuniary Loss:</b>	
(i)	Expenditure on treatment	
(ii)	Expenditure on conveyance	
(iii)	Expenditure on special diet	
(iv)	Cost of nursing/attendant	
(v)	Loss of earning capacity	
(vi)	Loss of income	
(vii)	Any other loss which may require any special treatment or aid to the injured for the rest of his life	
<b>12.</b>	<b>Non-Pecuniary Loss:</b>	
(i)	Compensation for mental and physical shock	
(ii)	Pain and Suffering	
(iii)	Loss of amenities of life	
(iv)	Disfiguration	
(v)	Loss of marriage prospect	
(vi)	Loss of earning, inconvenience, hardships, disappointment, frustration, mental stress, dejection and unhappiness in future life etc.	
<b>13.</b>	<b>Disability resulting in loss of earning capacity</b>	
(i)	Percentage of disability assessed and nature of disability as permanent or temporary	
(ii)	Loss of amenities or loss of exception of life span on account of disability	
(iii)	Percentage of loss of earning capacity in relation to disability.	
(iv)	Loss of future income-(income x % Earning Capacity x Multiplier).	
<b>14.</b>	<b>TOTAL COMPENSATION</b>	

**FORM-VIA****BEFORE THE MOTOR ACCIDENT CLAIMS TRIBUNAL**

..... Petitioner(s)

Versus

..... Respondent(s)

**FORMAT OF WRITTEN SUBMISSION TO BE FILED BY THE PARTIES IN DEATH CASES.**

1. Date of accident.....
2. Name of the deceased.....
3. Age of the deceased.....
4. Occupation of the deceased.....
5. Income of the deceased.....
6. Name, age and relationship of legal representatives of deceased

Sl. No.	Name	Age	Relation
1.			
2.			
3.			
4.			
5.			

**COMPUTATION OF COMPENSATION**

<b>Sl. No.</b>	<b>Heads</b>	<b>Claim of Petitioners(s)</b>	<b>Response of Respondent(s)</b>
<b>7.</b>	Income of the deceased (A).		
<b>8.</b>	Add-Future Prospects (B).		
<b>9.</b>	Less-Personal expenses of the deceased (C).		
<b>10.</b>	Monthly loss of dependency [(A+B)-C=D].		
<b>11.</b>	Annual loss of dependency (D x 12).		
<b>12.</b>	Multiplier (E).		
<b>13.</b>	Total loss of dependency (Dx12xE=F).		
<b>14.</b>	Medical Expenses (G).		
<b>15.</b>	Compensation for loss of consortium (H).		
<b>16.</b>	Compensation for loss of estate (I).		
<b>17.</b>	Compensation towards funeral expenses (J).		
<b>TOTAL COMPENSATION (F+G+H+I+J=K)</b>			
<b>INTEREST</b>			

**10. Photographs of the injured and the injuries.....****11. Computation of Compensation:-**

Sl. No.	Heads	Claim of Petitioner(s)	Response of Respondent(s)
<b>12.</b>	<b>Pecuniary Loss:</b>		
(i)	Expenditure on treatment.		
(ii)	Expenditure on conveyance.		
(iii)	Expenditure on special diet.		
(iv)	Cost of nursing/attendant.		
(v)	Loss of income.		
(vi)	Cost of artificial limb (if applicable).		
(vii)	Any other loss/expenditure.		
<b>13.</b>	<b>Non-Pecuniary Loss:</b>		
(i)	Compensation for mental and physical shock.		
(ii)	Pain and suffering.		
(iii)	Loss of amenities of life.		
(iv)	Disfiguration.		
(v)	Loss of marriage prospects.		
(vi)	Loss of earning, Inconvenience, hardships, disappointment, frustration, mental stress, dejection and unhappiness in future life etc.		
<b>14.</b>	<b>Disability resulting in loss of earning capacity:</b>		
(i)	Percentage of disability assessed and nature of disability as permanent or temporary.		
(ii)	Loss of amenities or loss of expectation of life span on account of disability.		
(iii)	Percentage of loss of earning capacity in relation to disability.		
(iv)	Loss of future income - (Income x % Earning Capacity x Multiplier).		
<b>TOTAL COMPENSATION</b>			
<b>INTEREST</b>			

**FORM-VIB**  
**BEFORE THE MOTOR ACCIDENT CLAIMS TRIBUNAL.**

..... Versus .....Petitioner(s)  
 ..... Respondent(s)

**FORMAT OF WRITTEN SUBMISSION TO BE FILED BY THE PARTIES IN INJURY CASES.**

1. Date of accident.....
2. Name of the injured.....
3. Age of the injured.....
4. Occupation of the injured.....
5. Income of the injured.....
6. Nature of injury.....
7. Medical treatment taken by the injured.....
8. Period of hospitalization.....
9. Whether any permanent disability? If yes, give details.....

**FORM-VII**  
**FORMAT OF RECORD OF AWARDS TO BE MAINTAINED BY THE CLAIMS TRIBUNAL.**

DATE		PAGE No. of the Register
Sl.No.	PARTICULARS	
1.	Date of Award.	
2.	Case number.	
3.	Title of the case.	
4.	Award amount.	
5.	Date of notice of deposit by the depositor to the Claimant(s).	
6.	Date of notice of deposit by the Tribunal to the Claimant(s).	
7.	Amount of interest upto date of notice of deposit.	
8.	Amount deposited along with date of deposit.	
9.	Amount of interest upto date of notice of deposit.	
10.	Whether entire award amount and interest deposited. If no, balance outstanding award amount/interest	
11.	Action taken to recover the balance award interest	
12.	Date of release of the award amount to the Claimant(s).	
13.	Moe of release of the award amount: (Give the details of endorsement made on the cheques).	
14.	Remarks.	

**FORM-VIIA**  
**FORMAT OF MONTHLY COMPLIANCE REPORT TO BE SENT BY**  
**THE CLAIMS TRIBUNAL IN DEATH CASES.**

**NAME OF THE PRESIDING OFFICER OF MOTOR ACCIDENT**  
**CLAIMS TRIBUNAL.**

<b>SL. NO.</b>	<b>CASE NO.</b>	<b>DATE OF AWARD</b>	<b>AGE (Yrs.)</b>	<b>OCCUPATION</b>	<b>INCOME (per month)</b>	<b>AWARD AMOUNT</b>
1.						
2.						
3.						
4.						
5.						
6.						
7.						
8.						
9.						
10.						

**FORM-VIIB**  
**FORMAT OF MONTHLY COMPLIANCE REPORT TO BE SENT BY**  
**THE CLAIMS TRIBUNAL IN INJURY CASES.**

**NAME OF THE PRESIDING OFFICER OF MOTOR ACCIDENT  
CLAIMS TRIBUNAL.**

<b>SL. NO.</b>	<b>CASE NO.</b>	<b>DATE OF AWARD</b>	<b>INJURED SUFFERED</b>	<b>PERCENTAGE OF PERMANENT DISABILITY</b>	<b>PERCENTAGE OF FUNCTIONAL DISABILITY</b>	<b>AWARD AMOUNT</b>
1.						
2.						
3.						
4.						
5.						
6.						
7.						
8.						
9.						
10.						

**FORM-VIII****MOTOR ACCIDENT CLAIMS ANNUITY DEPOSIT (MACAD) SCHEME**

Sl. No.	Scheme Features	Particulars/Details
1	Purpose.	One time lump sum amount, as decided by the Court/Tribunal, deposited to receive the same in Equated Monthly Instalments (EMIs), comprising a part of the principle amount as well as interest.
2.	Eligibility.	Individuals including Minors through guardian in single name.
3.	Mode of Holding.	Singly.
4.	Type of Account.	Motor Accident Claims Annuity (Term) Deposit Account (MACAD)
5.	Deposited Amount	i. Maximum: No Limit. ii. Minimum- Based on minimum monthly annuity ₹.1,000/- for the relevant period.
6.	Tenure.	i. 36 to 120 months, ii. In case the period is less than 36 months, normal FD will be opened. iii. MACAD for longer period (more than 120 months) will be looked as per direction of the Court.
7.	Rate of Interest.	Prevailing rate of interest as per Tenure.
8.	Receipts/Advices.	i. No Receipts will be issued to depositors, ii. Passbook will be issued for MACAD.
9.	Loan Facility.	No loan or advances shall be allowed
10.	Nomination facility.	i. Available. ii. MACAD shall be duly nominated as directed by the court.
11.	Premature Payment.	i. Premature closure or part lump sum payment of MACAD during the life of the claimant will be made with permission of the court. However, if permitted, the annuity part will be reissued for balance tenure and amount, if any, with change in annuity amount. ii. Premature closure penalty will not be charged. iii. In case of death of the claimant, payment to be given to the nominee. The nominee has an option to continue with the annuity or seek pre-closure.
12.	Tax deduction at source.	i. Interest payment is subject to TDS as per Income Tax Rules. From 15G/15H can be submitted by the Depositor to get exemption from the Tax deduction. ii. The annuity amount on monthly basis net of TDS, will be credited to the MACT Savings Bank account.



**MACT CLAIMS SB ACCOUNT.**

Features.	Particulars/Details.
Eligibility.	Individuals including Minors (through guardian) in single name.
Minimum/Maximum Balance Requirement.	Not applicable
Cheque book/Debit Card/ATM Card/Welcome Kit/Internet Banking/Mobile Banking facility.	i. By default, these facilities are not available in this product. ii. However, in case these facilities have already been issued, the court shall direct the bank to cancel the same before the disbursement of the award amount. iii. The bank shall make an endorsement on the passbook of the claimant(s) to the effect that no cheque book and/or debit card have been issued and shall not be issued without the permission of the court.
Operations in the account.	i. Only single operation. ii. In case of Minor accounts, the operation will be through guardian.
Withdrawals.	Only through Withdrawal Forms or through Bio-Metric authentication.
Product change.	Not permitted.
Place of Opening.	Only at the Branch near to the place of residence of Claimant (as directed by the Court).
Account Transfer.	Not allowed.
Nomination.	Available
Passbook.	Available
Rate of Interest.	As applicable to Regular SB accounts.
Statement by e-mail.	Available
<b>P.S:- Any other terms and conditions of SB account in Bank are applicable.</b>	